

Statement of Findings
EmblemHealth Plan
Behavioral Health Key Staff Review Survey ID# 885967827
October 1, 2020-May 21, 2021

Medicaid Model Contract 16.13.a
Behavioral Health Clinical and Medical Directors Requirements

a) The requirements for Contractor's employment of Clinical and Medical Directors are contained in this section and in the State-issued Behavioral Health Guidance.

Transition of Behavioral Health Benefit into Medicaid Managed Care and Health and Recovery Program Implementation released October 2015: Section VII.5

For all MCOs product lines: The MCO shall provide written notice to the State within seven calendar days after the effective date of termination or resignation of any of the key staff listed in Section 3. B above, including the name of the interim contact person performing the key staff person's duties, if a replacement is not found within that time. In addition to the notice of termination or resignation, the MCO shall submit a written proposal for replacing the key staff person, including expected timelines for recruitment activities. The MCO shall also notify the State at the earliest practicable time, but in no event later than seven days if a key staff member who is required to be full-time drops below full-time status. The State reserves the right to review the qualifications of key staff replacements at any time and require the MCO to identify a different key staff person if their replacement does not meet the requirements set forth in this guidance.

Finding:

Based on communication and review of the required biannual Exhibit 1: Staffing Plan for Adult and Children report submitted on October 1, 2020, and subsequent documentation, EmblemHealth failed to provide written notification to the State within seven calendar days of the date of termination or resignation of required Behavioral Health (BH) Key Staff positions in accordance with the requirements. The Office of Mental Health (OMH) and Office of Addiction Services and Support (OASAS) issued a memo on May 6, 2020, entitled *Notification of MCO Key Staff Vacancies*, to Medicaid Managed Care Organizations (MCOs), to stress the importance of timely written notification to the State and to remind the Plans of the requirements.

Specifically, the Behavioral Health (BH) Clinical Director for adults vacated the role on December 21, 2019, the HARP BH Medical Director for adults vacated on August 31, 2020 and the HARP Medical Director, General Medicine for adults vacated on June 1, 2020. Written notification was first received on October 1, 2020 within the Exhibit 1: Staffing Plan for Adult and Children.

Review of additional documentation and email correspondence provided on January 14, 2021, February 18, 2021, and March 10, 2021, revealed the Plan did not provide timely notification and noted the Behavioral Health (BH) Staff changes were captured in the Exhibit 1 submission on October 1, 2020. EmblemHealth failed to follow the directive within the memo distributed to

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MCOs by OMH and OASAS on May 6, 2020 which stated written notice must be separate and distinct from the Exhibit 1 submission.

EmblemHealth Plan of Correction (POC):

EmblemHealth acknowledges receipt of this deficiency and pursuant to the State’s letter to the Plan dated December 7, 2021 below please find the required POC elements for this SOF.

1. Description of the review:

In December 2020 the Plan became aware of a potential untimely notification of key staff changes listed in Exhibit 1. In January 2021, the Plan had concluded its internal investigation and determined that Exhibit 1 stakeholders did not communicate staff changes with the Medicaid Business team, who is responsible for informing the State and updating Exhibit 1 when necessary.

2. Revision and/or correction completed:

On December 21, 2021 the Plan reminded Exhibit 1 stakeholders that they are required to inform the Plan’s Medicaid Business team of required key staff terminations as soon as they are made aware of these terminations so the Plan may inform the State no later than seven (7) days after the date of termination or resignation. On or by December 28, 2021, the Plan received written acknowledgment of this guidance from all Exhibit 1 stakeholders with confirmation of no key staff changes at this time.

3. Description of the additional education and training:

EmblemHealth is updating its related policy and procedure document and will train impacted personnel and delegates accordingly. The Plan shall ensure that impacted personnel and delegates conduct trainings on an annual basis or more frequently as needed.

4. Monitoring or auditing component:

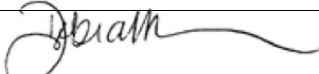
When the Plan identified this deficiency in January 2021 a weekly request (every Friday) for updates or confirmation of Exhibit 1 staff from all stakeholders was implemented.

5. Name and title of the person responsible for oversight:

- Jacqueline Prince-Espinosa – AVP of Medicaid Business.

6. Date certain for implementation:

- Revision and/or correction completed (#2 above):
 - Notification to stakeholders: December 21, 2021.
 - Written acknowledgment and confirmation from stakeholders received on or by December 28, 2021.
- Education and training (#3 above): Updated policy and procedure document and trainings completed by January 31, 2022
- Monitoring and auditing: Weekly Medicaid Business report process implemented on January 27, 2021.

MCO’s Representative Signature: 	Date: December 29, 2021
Title: SVP & Chief Compliance Officer	

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**Children's Medicaid System Transformation Behavioral Health State Plan Services
Transition to Medicaid Managed Care: Section VI. Staffing Requirements**

The MMCP must provide written notice to the State within seven calendar days after the effective date of termination or resignation of any of the key staff listed in this section and must provide the name of the interim contact person performing the key staff person's duties, if a replacement is not found within that time. In addition, the MMCP must submit a written proposal describing plans for replacing key staff person, including expected timelines for recruitment activities.

Finding:

Based on communication and review of the required biannual Exhibit 1: Staffing Plan for Adult and Children report submitted on October 1, 2020 and subsequent documentation, EmblemHealth failed to provide written notification to the State of the termination or resignation of the Behavioral Health (BH) Medical Director for Children's Services position within seven calendar days in accordance with the requirements. The Office of Mental Health (OMH) and Office of Addiction Services and Support (OASAS) issued a memo on May 6, 2020, entitled *Notification of MCO Key Staff Vacancies*, to Medicaid Managed Care Organizations (MCOs), to stress the importance of timely written notification to the State and to remind the Plans of the requirements.

Specifically, the BH Medical Director for Children vacated the position on May 26, 2020. Written notification was first received on October 1, 2020 with the Exhibit 1: Staffing Plan for Adult and Children report. Review of additional documentation submitted on February 18, 2021 by EmblemHealth, confirmed EmblemHealth failed to provide timely notification of the departure of the BH Medical Director for Children. EmblemHealth failed to follow the directive within the memo distributed to MCOs by OMH and OASAS on May 6, 2020 which stated written notice must be separate and distinct from the Exhibit 1 submission.

EmblemHealth Plan of Correction (POC):

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1. Description of the review:

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2. Revision and/or correction completed:

On December 21, 2021 the Plan reminded Exhibit 1 stakeholders that they are required to inform the Plan's Medicaid Business team of required key staff terminations as soon as they are made aware of these terminations so the Plan may inform the State no later than

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3. Description of the additional education and training:

EmblemHealth is updating its related policy and procedure document and will train impacted personnel and delegates accordingly. The Plan shall ensure that impacted personnel and delegates conduct trainings on an annual basis or more frequently as needed.

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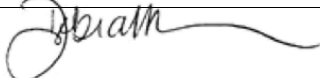
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